

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TZUMI INNOVATIONS, LLC,

Plaintiff,

Civil Action No.

v.

ANDREW R. WHEELER, in his Official
Capacity as Administrator of United States
Environmental Protection Agency,

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

and

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Defendants.

-----X

Upon the Verified Complaint dated January 6, 2021 and the exhibits thereto, the Declaration of Thomas H. Prol dated January 6, 2021 and the exhibits thereto, Plaintiff's Memorandum of Law in Support of Preliminary Injunction and Temporary Restraining Order, and upon all of the pleadings and proceedings heretofore had herein, and sufficient cause having been shown,

IT IS HEREBY ORDERED that Defendants Andrew R. Wheeler, in his Official Capacity as Administrator of the United States Environmental Protection Agency ("Administrator") and United States Environmental Protection Agency ("EPA", and together with Administrator, the "Defendants") show cause before this court, at Room ____, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on _____ at _____ o'clock in the

am / pm, thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:

(A) enjoining, restraining, and prohibiting Defendants, during the pendency of this action, from:

- (i) enforcing the EPA's recall demand regarding Plaintiff's "Wipe Out!" product, and
- (ii) issuing a Stop Sale, Use, or Removal Order (a "SSURO") regarding Plaintiff's "Wipe Out! product, or

(B) staying the effective date of such SSURO pursuant to 5 U.S.C. § 705; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., and/or a stay pursuant to 5 U.S.C. § 705, Defendants are temporarily enjoined, restrained, and prohibited from:

- (i) enforcing the EPA's recall demand regarding Plaintiff's "Wipe Out!" product, and
- (ii) issuing a Stop Sale, Use, or Removal Order (a "SSURO") regarding Plaintiff's "Wipe Out! product; and it is further

ORDERED that delivery by overnight courier service of a copy of this order, together with the moving papers upon which it is based, upon Defendants' counsel _____, on or before _____, shall be deemed good and sufficient service hereof; and it is further

ORDERED that answering papers, if any, shall be served by ECF filing on or before

_____, 2021; and it is further

ORDERED that reply papers, if any, shall be served by ECF filing on or before

_____, 2021.

DATED: New York, New York
January ___, 2021

United States District Judge